

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ROBERT E. JONES,

Plaintiff,

v.

HIRERIGHT, INC.,

Defendant.

C.A. NO.

JURY TRIAL DEMANDED

**PLAINTIFF'S ORIGINAL COMPLAINT**

Plaintiff Robert E. Jones, through his counsel, alleges as follows:

**INTRODUCTION**

1. This is an action under the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §§ 1681, *et seq.* The FCRA imposes on consumer reporting agencies the requirement to establish and follow reasonable procedures to assure maximum possible accuracy of the information concerning the individuals about whom they report. Defendant entirely failed to comply with these requirements of the FCRA and reported patently inaccurate information about Plaintiff to a prospective employer, costing Plaintiff a valuable employment opportunity. Pursuant to the FCRA, Plaintiff seeks actual, statutory, and punitive damages, as well as costs and attorney's fees.

**JURISDICTION AND VENUE**

2. The Court has federal question jurisdiction under the FCRA, 15 U.S.C. §1681p.
3. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2) as a substantial part of the facts and events giving rise to the claims in this case occurred in this district.

### **PARTIES**

4. Robert E. Jones (hereinafter “Mr. Jones” or “Plaintiff”) is an individual residing in Plymouth, Massachusetts. Mr. Jones is a “consumer” as protected and governed by the FCRA.

5. Defendant HireRight, Inc. (“HireRight” or “Defendant”) is a Delaware corporation with its principal place of business in Irvine, California. At all times relevant hereto, it operated as a “consumer reporting agency” as defined and governed by the FCRA.

### **FACTUAL ALLEGATIONS**

6. In or around early September, 2010, Mr. Jones attended a job interview with prospective employer Sears, a retailer, at its department store location in Kingston, Massachusetts.

7. At the conclusion of the interview, Mr. Jones was offered employment at Sears, subject to a drug screening and background screening. Mr. Jones complied with all requests from Sears to complete the screenings.

8. On or around September 21, 2010, Mr. Jones received a call from Sears, in which Sears informed him that it was rescinding the offer of employment based on information in the background check it received from HireRight detailing a criminal history including felony drug convictions.

9. Mr. Jones has no such criminal history, and he informed Sears that the background information it received from HireRight was incorrect. Sears nevertheless informed

Mr. Jones that it would not employ him based on the information HireRight furnished.

10. Mr. Jones immediately contacted HireRight. In speaking with a HireRight employee, Mr. Jones learned that the subject of the background report HireRight furnished Sears was a “Robert Jones Jr.” – a different individual than Mr. Jones. According to the HireRight report, the “Robert Jones Jr.” that HireRight incorrectly identified as Mr. Jones was an African American resident of Connecticut with multiple felony convictions. Mr. Jones is Caucasian, has never resided in Connecticut, and has never been convicted of a felony or any other drug-related offense.

11. Notwithstanding the fact that HireRight incorrectly reported the criminal history of a completely different individual to Sears, the results of HireRight’s consumer report caused Sears to fail to hire Mr. Jones for the position previously committed to him.

**CAUSE OF ACTION: VIOLATION OF THE FCRA, 15 U.S.C. §1681e(b)**

12. Mr. Jones realleges and incorporates paragraphs 1 through 11 above as if fully set out herein.

13. Defendant violated 15 U.S.C. §1681e(b) by failing to establish or to follow reasonable procedures to assure maximum possible accuracy in the preparation of Plaintiff’s consumer reports it published and maintained concerning Plaintiff.

14. As a result of the conduct, actions and inactions of Defendant, Plaintiff suffered actual damages.

15. Defendant knew or should have known about its legal obligations under the FCRA. These obligations are well established in the plain language of the FCRA and in the

promulgations of the Federal Trade Commission.

16. On information and belief, Plaintiff alleges that Defendant obtained or had available substantial written materials that apprised it of its duties under the FCRA. Any reasonable consumer reporting agency knows about or can easily discover these mandates.

17. Despite knowing of these legal obligations, Defendant acted consciously in breaching its known duties and depriving Plaintiff of his rights under the FCRA.

18. Defendant's conduct, actions, and inactions were willful, rendering Defendant liable for punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. §1681n. In the alternative, Defendant was negligent, entitling Plaintiff to recover under 15 U.S.C. §1681o.

19. Plaintiff is entitled to recover actual damages, statutory damages, punitive damages, costs, and attorney's fees from Defendant in an amount to be determined by the Court pursuant to 15 U.S.C. §1681n and §1681o.

### **JURY TRIAL DEMAND**

20. Plaintiff demands trial by jury on all issues so triable.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that relief be granted as follows:

- a. That judgment be entered in favor of Plaintiff and against Defendant and that Plaintiff be awarded all actual damages, statutory damages, punitive damages, costs, and attorney's fees as alleged and pled herein pursuant to 15 U.S.C. §§

1681n and 1681o; and

- b. That the Court grant such other and further relief as may be just and proper.

Robert E. Jones,  
By Counsel,

/s/ John T. Longo

---

John T. Longo, Esquire, MA BBO #632387  
Of Counsel, Law Offices of Peter N. Wasylyk  
Peter N. Wasylyk, Esquire (Pro Hac Vice to be filed)  
**LAW OFFICES OF PETER N. WASYLYK**  
1307 Chalkstone Avenue  
Providence, Rhode Island 02908

**Main Office**

Phone (401) 831-7730  
Fax (401) 861-6064  
E-Mail: pnwlaw@aol.com

**John T. Longo Direct**

Phone: (401) 272-2177  
Fax: (401) 537-9185  
E-Mail: jtlongo@citadelpc.com

Dated: February 14, 2011